

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS OF THE HOUSE NATURAL RESOURCES COMMITTEE CONCERNING H.R. 6291, TO ADJUST THE BOUNDARY OF OREGON CAVES NATIONAL MONUMENT, TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE CERTAIN RIVER SEGMENTS IN OREGON AS WILD OR SCENIC RIVERS, AND FOR OTHER PURPOSES.

September 11, 2008

Mr. Chairman, thank you for the opportunity to appear before you to present the views of the Department of the Interior on H.R. 6291, a bill to adjust the boundary of Oregon Caves National Monument, to amend the Wild and Scenic Rivers Act to designate certain river segments in Oregon as wild or scenic rivers, and for other purposes.

The Department supports the intent of H.R. 6291 as consistent with the General Management Plan (GMP) for the park but recommends deferring action on the bill to give us the opportunity to explore ways to maintain continuity and interagency coordination on issues related to forest health and recreational opportunities. Because of the potential impact of Wild and Scenic River designation on lands administered by the Bureau of Land Management (BLM), the Department supports designation of 5 river segments; supports study requirements for 6 segments; and does not support designation of the remaining 29 river segments. We would like the opportunity to work with the sponsor and the Committee to address our overall concerns with the legislation as well as proposed modifications. On July 30, 2008, the Department testified on the Senate companion bill, S. 3148.

H.R. 6291 would adjust the boundary of the Oregon Caves National Monument to include the addition of approximately 4,070 acres to enhance the protection of the resources associated with the monument and to increase public recreation opportunities. The lands that would be added are currently managed by the U.S. Forest Service as part of the Rogue River - Siskiyou National Forest.

In 1907, the Secretary of the Interior withdrew approximately 2,560 acres for the purposes of establishing a national monument. The 1909 presidential proclamation establishing Oregon Caves National Monument included only 480 acres. The monument was managed by the U.S. Forest Service until its administration was transferred to the National Park Service in 1933. The remaining withdrawal outside of the monument is administered by the USFS as part of the Rogue River - Siskiyou National Forest. This bill restores these lands to the monument boundary.

There would be no acquisition costs associated with the boundary expansion and while a formal estimate has not yet been established, we anticipate National Park Service's management, administrative, interpretive, resource protection, and maintenance costs could be approximately \$300,000 - \$750,000 annually.

The explorer Joaquin Miller extolled "The Wondrous marble halls of Oregon!" when speaking about the newly proclaimed Oregon Caves National Monument in 1909. Oregon Caves is one of the few marble caves in the country that is accessible to the public. This park, tucked up in the winding roads of southern Oregon, is known for its remoteness, the cave majesty, and the

unusual biota. The park is located in the Siskiyou Mountains and is part of a bioregion that has among the nation's highest biodiversities of vascular plants and animals – more than is found even in the tropics. The high rate of biodiversity is due to the diverse temperatures, moisture regimes, climates, bedrock, and productivity.

The stream flowing from the cave entrance is a tributary to a watershed that empties into the Pacific Ocean. There are no human-made obstructions that would prevent salmon migration, which makes this the only cave in the National Park Service with an unobstructed link to the ocean.

The caves are nationally significant and a favorite visit for school kids and travelers alike. They remain alive and healthy because of the watershed above them. The park recognized this when developing the 1998 GMP and accompanying Environmental Impact Statement. The plan recommended the inclusion of the watershed into the park to provide for better cave protection and to protect the surface and subsurface hydrology and the public water supply. Because of changes in the recreational use of the lands since that time, additional discussions with the USFS are warranted.

River Segment Designations

H.R. 6291 would designate approximately 7.6 miles of the waterways within the expanded Oregon Caves National Monument as wild, scenic, or recreational under the Wild and Scenic Rivers Act, including the first subterranean designated waterway in the country, the River Styx,

which flows through the caves. This designation provides no additional protections to land and water resources.

Section 3(b) would designate as Wild and Scenic approximately 132 miles of the Rogue River in Oregon. Divided into 40 stream segments, these waterways would be categorized as wild, scenic, or recreational components of the National Wild and Scenic Rivers System. As required by sec. 5(d)(1) of the Wild and Scenic Rivers Act, the BLM studied the Rogue River and its tributaries to determine its eligibility and suitability for designation as a component of the National Wild and Scenic Rivers System. Through its regular planning process, the BLM has made suitability determinations on 34 of the 40 river segments identified in H.R. 6291; we would appreciate the opportunity to study the remaining 6 proposed segments to determine their eligibility and suitability for designation. These segments include East Fork Kelsey Creek, East Fork Rum Creek, Galice Creek, Corral Creek, Francis Creek, and Shady Creek.

Of the 34 stream segments previously studied by the BLM, 4 segments were found suitable. In addition, the Mule Creek segment, which is within the current Rogue River Wilderness boundary, was also found suitable. These 5 segments are managed as suitable under the current Medford District Resource Management Plan. The Mule Creek segment is also administered by the Forest Service in compliance with the current wilderness designation."

We have concerns with sec. 3(b)(1)(C) of H.R. 6291, which defines river segments to include 640 acres per mile measured from the ordinary high water mark on both sides of the river. We urge the Committee to consider removing this section of the Bill. If section 3(b)(1)(C) is

removed, the proposed designations would default to traditional standards set forth in the Wild and Scenic Rivers Act. Sections 3(b) and 4(d) of the Wild and Scenic Rivers Act provide for a boundary not to exceed an average of 320 acres per mile (equivalent to a quarter mile) as measured from the ordinary water mark on both sides of the river. Further, section 3(b) of the Wild and Scenic Rivers Act requires the Agency to identify detailed boundaries within one year of designation.

As to the remaining 29 stream segments proposed for designation in H.R. 6291, the BLM, through its planning process, determined that when compared to other regional river environments, they either did not meet the criteria to be eligible or suitable for designation as a component of the National Wild and Scenic River System. For any segment found non-eligible or “not suitable”, the BLM’s management of the area is directed by the underlying land use plan. Designation of these 29 stream segments would affect BLM’s ability to actively manage these areas to promote forest health and reducing the risk of wildfire. The BLM must be able to actively manage the areas found not suitable for Wild and Scenic designation.

We also oppose sec. 3(b)(3), which establishes a prohibition on wind power facilities within the lateral boundaries of the proposed Wild and Scenic River designations. Applications for wind power facilities should be considered on a case-by-case basis in accordance with applicable law. We are concerned about the precedent this sets for future Wild and Scenic River designations.

H.R. 6291 also provides authority for the Secretary to protect the water quality – in the caves and for public consumption – and to administer the lands in accordance with current laws and

regulations. The Secretary is also directed to carry out ecological forest restoration activities that would establish a fire regime, manage revegetation projects, and reduce the risk of losing key ecosystem components. The land that this bill would transfer is categorized by the U.S. Forest Service as condition class 3 – high risk of fire. Most of it is also designated as Late Successional Reserve under the Northwest Forest Plan. We understand that the Forest Service is currently working on a multi-year effort to reduce fuels under a comprehensive forest plan which is intended to help restore the appropriate role of fire in the ecosystem, which in turn would benefit monument resources that are at risk from fire and fire suppression damage.

Section 2(e) of H.R. 6291 provides for voluntary relinquishment of grazing leases or permits by permittees to the Secretary of the Interior for authorized grazing on BLM-managed lands within the Billy Mountain Grazing Allotment. Under the bill, the Secretary is required to accept the donation of those permits or leases and retire them from future grazing.

The Billy Mountain Grazing Allotment is located 15 miles from the Oregon Caves National Monument boundary, and the proposed legislation does not identify a clear link between this allotment and the monument. This grazing allotment has been designated under the Medford Resource Management Plan, and subsequent changes in designation are possible through the land use planning process if land and resource data indicate that grazing should no longer be supported on this allotment.

The BLM opposes this provision. However, the BLM also recognizes the value of working cooperatively and collaboratively with local stakeholders to fulfill its multiple use mission on BLM lands in the spirit of cooperative conservation within our existing authority.

While the transfer of these lands to the National Park Service would increase interpretive and educational opportunities for visitors, the Department finds it important to acknowledge and bring to the committee's attention a current recreational activity that would be affected by enactment of this legislation. Hunting is allowed by the U.S. Forest Service on the lands in question. As currently drafted, the legislation would extend the monument boundaries in a manner that prohibits continuation of hunting on these lands. The Department supports continuation of the diverse and traditional recreation opportunities on these lands.

To insure issues affecting the current forest health activities and recreational opportunities on the lands are adequately considered, we recommend the committee defer action on the legislation at this time. We will continue our discussions with the U.S. Forest Service on these matters.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you may have.